

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHRISTINA LAKE,

Plaintiff,

v.

CITY OF SOUTHGATE, ET AL,

Defendants.

Case No. 16-10251

Honorable Nancy G. Edmunds

NOTICE OF POSSIBLE PROCEDURAL DEFECT IN REMOVAL

Defendant City of Southgate removed this matter from the Wayne County Circuit Court, Michigan. The Court has reviewed the notice of removal and believes that it may be procedurally defective because the City has not complied with the rule of unanimity, "which requires all defendants in the action to either join in or consent to the *removal*. *Loftis v. United Parcel Serv., Inc.*, 342 F.3d 509, 516 (6th Cir.2003) (citing *Brierly v. Alusuisse Flexible Packaging, Inc.*, 184 F.3d 527, 533 n. 3 (6th Cir.1999)).

The United States Court of Appeals for the Sixth Circuit has ruled that a district court may not *sua sponte* remand a case based on procedural defects in the removal; remand, if appropriate, may be ordered on such grounds only if requested by plaintiff. *Page v. City of Southfield*, 45 F.3d 128, 133-34 (6th Cir. 1995); see *Loftis*, 342 F.3d at 516 ("It is true that technical defects in the removal procedure, such as a breach of the rule of unanimity, may not be raised *sua sponte*, . . ."). If Plaintiff desires to move for remand of this matter to state court based on a procedural defect in the removal, an appropriate motion must be filed no later than 30 days after the filing of the removal notice. 28 U.S.C. § 1447(c).

Under the Sixth Circuit's ruling in *Page*, if no such motion is filed the Court must assume that Plaintiff has waived any objection to any procedural defects in the removal, and the matter shall proceed in this Court.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: February 9, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 9, 2016, by electronic and/or ordinary mail.

s/Carol J. Bethel
Case Manager